

**Service of Process
Transmittal**

04/08/2021

CT Log Number 539354027

TO: Kim Lundy Service Of Process
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Wisconsin

FOR: Walmart Claims Services, Inc. (Domestic State: AR)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Williams Timothy D., Pltf., State Of Wisconsin Department Of Health Services, etc., et al., Involuntary Pltfs. vs. Walmart Claims Services, Inc., etc. and ABC Insurance Company, Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, First Interrogatories

COURT/AGENCY: Waukesha County Circuit Court, WI
Case # 2021CV000562

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 12/06/2019 - Sam's Club Store #8164 - 600 North Springdale Road, Waukesha, Wisconsin 53186

ON WHOM PROCESS WAS SERVED: C T Corporation System, Madison, WI

DATE AND HOUR OF SERVICE: By Process Server on 04/08/2021 at 12:33

JURISDICTION SERVED : Wisconsin

APPEARANCE OR ANSWER DUE: Within 45 days after receipt

ATTORNEY(S) / SENDER(S): Jason S. Richard
J. Richard Law Offices, LLC
740 North Plankinton Avenue, Suite 800
Milwaukee, WI 53203
414-232-1792

REMARKS: The documents received have been modified to reflect the name of the entity being served.

ACTION ITEMS: CT has retained the current log, Retain Date: 04/09/2021, Expected Purge Date: 04/14/2021

Image SOP

Email Notification, Kim Lundy Service Of Process ctlawsuits@walmartlegal.com

REGISTERED AGENT ADDRESS: C T Corporation System
301 S. Bedford Street
Suite 1
Madison, WI 53703
877-564-7529
MajorAccountTeam2@wolterskluwer.com

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The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

FILED

04-06-2021

Clerk of Circuit Court

Waukesha County

2021CV000562

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

TIMOTHY D. WILLIAMS.
2913 North 50th Street
Milwaukee, Wisconsin 53210,

Plaintiff,

STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES,
A Governmental Agency
c/o Dennis C. Schuh, Chief Legal Counsel
Office of Legal Counsel
One West Wilson Street, Room 651
Madison, Wisconsin 53703,

BLUE CROSS BLUE SHIELD OF WISCONSIN,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703, and

COMPCARE HEALTH SERVICES
INSURANCE CORPORATION,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703,

Involuntary Plaintiffs,

v.

WALMART CLAIMS SERVICES, INC.,
d/b/a Sam's Club
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703, and

ABC INSURANCE COMPANY,
Current Name Unknown
Current Address Unknown,

Defendants.

SUMMONS

Case No.:

Case Code: 30107
Personal Injury – Other

AGENT FOR STATE PROCESS SERVICE, INC.

Time of Service 10:10 am pm

Date of Service

Served upon:

at

☐ Personal Service ☐ Substitute personal service☒ Corporate Service ☐ Posting

THE STATE OF WISCONSIN

FILED
04-06-2021
Clerk of Circuit Court
Waukesha County
2021CV000562

To Each Person Named Above as an Involuntary Plaintiff or Defendant

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint which is attached states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Circuit Court for Waukesha County, whose address is Waukesha County Courthouse, 515 West Moreland Boulevard, Waukesha, Wisconsin 53188, and to the Plaintiff's attorneys, J. Richard Law Offices, LLC, whose address is 740 North Plankinton Avenue, Suite 800, Milwaukee, Wisconsin 53203. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 6th day of April, 2021

J. RICHARD LAW OFFICES, LLC
Attorneys for Plaintiff, Timothy D. Williams

//Electronically Signed by Jason S. Richard//
By: Jason S. Richard
SBN: 1032068

POST OFFICE ADDRESS:

jason@jrichardlaw.com
740 North Plankinton Avenue
Suite 800
Milwaukee, WI 53203
Phone: 414.232.1792

FILED
04-06-2021
Clerk of Circuit Court
Waukesha County
2021CV000562

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

TIMOTHY D. WILLIAMS.
2913 North 50th Street
Milwaukee, Wisconsin 53210,

Plaintiff,

STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES,
A Governmental Agency
c/o Dennis C. Schuh, Chief Legal Counsel
Office of Legal Counsel
One West Wilson Street, Room 651
Madison, Wisconsin 53703,

BLUE CROSS BLUE SHIELD OF WISCONSIN,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703, and

COMPCARE HEALTH SERVICES
INSURANCE CORPORATION,
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703,

Involuntary Plaintiffs,

v.

WALMART CLAIMS SERVICES, INC.,
d/b/a Sam's Club
c/o Registered Agent: CT Corporation System
301 South Bedford Street, Suite 1
Madison, Wisconsin 53703, and

ABC INSURANCE COMPANY,
Current Name Unknown
Current Address Unknown,

Defendants.

COMPLAINT

Case No.:

Case Code: 30107
Personal Injury - Other

NOW COMES the Plaintiff, TIMOTHY D. WILLIAMS, by attorneys, J. Richard Law Offices, LLC and as for causes of action against the above-named parties, alleges and states to the Court as follows:

1. That at all times material, the Plaintiff, TIMOTHY D. WILLIAMS (hereinafter "TIMOTHY"), is an adult citizen of the State of Wisconsin residing at 2913 North 50th Street, Milwaukee, Wisconsin 53210.

2. That the Involuntary Plaintiff, STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, is a government agency, located at One West Wilson Street, Room 651, Madison, Wisconsin 53703; and at all times material herein, the Involuntary Plaintiff, STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, was the administrator providing monies for health care services provided to the Plaintiff, TIMOTHY, as a result of the injuries said Plaintiff sustained in said accident, and therefore is joined as an Involuntary Plaintiff for the purpose of complying with the provisions of § 803.03, Wis. Stats.

3. The Involuntary Plaintiff, BLUE CROSS BLUE SHIELD OF WISCONSIN (hereinafter "BLUE CROSS"), is a corporation authorized to and doing substantial business in the State of Wisconsin with the office of its registered agent, CT Corporation System, located at 301 South Bedford Street, Suite 1, Madison, Wisconsin 53703. Upon information and belief, the Involuntary Plaintiff, BLUE CROSS, may have paid medical bills on behalf of the Plaintiff, TIMOTHY, for injuries he sustained in the accident that is subject of this lawsuit and may be so obligated in the future; therefore, the Involuntary Plaintiff, BLUE CROSS, may have a subrogated interest to the extent of its payments subject to applicable federal and/or state laws. The Plaintiff, TIMOTHY, requests an extinguishment of any subrogation claims of the Involuntary Plaintiff, BLUE CROSS.

4. The Involuntary Plaintiff, COMPCARE HEALTH SERVICES INSURANCE CORPORATION (hereinafter "COMPCARE"), is a corporation authorized to and doing substantial business in the State of Wisconsin with the office of its registered agent, CT Corporation System, located at 301 South Bedford Street, Suite 1, Madison, Wisconsin 53703. Upon information and belief, the Involuntary Plaintiff, COMPCARE, may have paid medical bills on behalf of the Plaintiff, TIMOTHY, for injuries he sustained in the accident that is subject of this lawsuit and may be so obligated in the future; therefore, the Involuntary Plaintiff, COMPCARE, may have a subrogated interest to the extent of its payments subject to applicable federal and/or state laws. The Plaintiff, TIMOTHY, requests an extinguishment of any subrogation claims of the Involuntary Plaintiff, COMPCARE.

5. That upon information and belief, at all times material, the Defendant, WALMART CLAIMS SERVICES, INC. d/b/a Sam's Club (hereinafter "WALMART"), is a corporation, licensed to do and doing substantial business in the State of Wisconsin, with offices of its registered agent, Ct Corporation System, located at 301 South Bedford Street, Suite 1, Madison, Wisconsin 53703; that upon information and belief, the Defendant, WALMART, is self-insured.

6. That the Defendant, ABC INSURANCE COMPANY, is a foreign or domestic corporation whose name, address, registered agent, registered offices and state of incorporation of which are presently unknown to the Plaintiff, TIMOTHY, and that in place of the actual name of the Defendant Insurance Company, a fictitious name is being used for the Defendant pursuant to § 807.12, Wis. Stats. That upon information and belief, the Defendant, ABC INSURANCE COMPANY, provided liability insurance to the Defendant, WALMART, and that by reason of said insurance policy and the alleged negligence of

the said Defendant, and the provisions of § 803.04(2), Wis. Stats., the Defendant, ABC INSURANCE COMPANY, is a proper party Defendant herein.

7. That upon information and belief at all times material, the Defendant, WALMART, owned, operated and/or maintained the business, building, restrooms, and public areas at the property known locally as Sam's Club Store #8164 (hereinafter known as "the PROPERTY") and located at 600 North Springdale Road, Waukesha, Wisconsin 53186.

BACKGROUND FACTS

8. The Plaintiff, TIMOTHY, re-alleges and incorporates herein by reference paragraphs one through seven (1-7) of this Complaint.

9. That on December 6, 2019, the Plaintiff, TIMOTHY, was a patron at the Defendant's, WALMART, d/b/a Sam's Club Store #8164 when he slipped and fell in the restroom, located at the PROPERTY, due to wet, slippery, and dangerous conditions that were not safeguarded or marked, which include but are not limited to water on the floor that had not been mopped up, causing him to sustain severe and even possible permanent injuries to his shoulders, back, and left leg.

10. That at all times material to this action, the Defendant, WALMART, was the owner, landlord, operator, and/or maintainer of THE PROPERTY, and had control over THE PROPERTY, including the interior areas, such as the restrooms, walkways, and/or other areas open to the public, around where the Plaintiff, TIMOTHY, fell; said Defendant had a duty to maintain THE PROPERTY, including the public areas, in a condition that is reasonably safe for patrons and devoid of hazards.

FIRST CAUSE OF ACTION – NEGLIGENCE:

WALMART CLAIMS SERVICES, INC.

11. The Plaintiff, TIMOTHY, realleges and incorporates herein, as though more fully set forth, all of the allegations contained in paragraphs one through ten (1-10) above with the same force and effect.

12. The Defendant, WALMART, and their employees and agents, were negligent in the ownership, construction, inspection, maintenance and/or supervision of THE PROPERTY by, including but not limited to, failing to keep THE PROPERTY and the areas accessible to the public, including the restrooms, maintained in a safe manner and devoid of hazardous conditions, including water on the floor.

13. The negligence of the Defendant, WALMART, and their employees and agents, was a direct and proximate cause of, meaning a substantial factor in bringing about the Plaintiff's, TIMOTHY, past injuries, past pain and suffering, and past medical and hospital expenses; that said Plaintiff's injuries may be permanent in nature, thereby causing him to suffer pain and disability in the future, and incur medical and hospital expenses in the future, in an unspecified amount pursuant to the Wisconsin Statutes and Wisconsin law.

SECOND CAUSE OF ACTION – SAFE PLACE:

WALMART CLAIMS SERVICES, INC.

14. The Plaintiff, TIMOTHY, realleges and incorporates herein, as though more fully set forth, all of the allegations contained in paragraphs one through thirteen (1-13) above with the same force and effect.

15. The Plaintiff, TIMOTHY, was at all times material to this Complaint, a frequenter as that term is defined in Wis. Stats. § 101.01, while in the public areas, including the restrooms, at THE PROPERTY.

16. The Defendant, WALMART, was the owner, landlord, operator, and/or maintainer of the property located at THE PROPERTY, which was a public place and place of employment, and said Defendant had a duty to maintain the public areas, including the restrooms, at THE PROPERTY in a manner so that it was as safe as its nature would reasonably permit and to provide a safe place for frequenters.

17. That, contrary to Wis. Stats. § 101.01, the Defendant, WALMART, failed to keep THE PROPERTY, and the areas accessible to the public properly maintained, and were therefore negligent by:

- a. Failing to furnish a place for frequenters which was safe, as that term is defined in Wis. Stats. § 101.01;
- b. Failing to furnish and use safety devices and safeguards and failed to adopt and use methods and processes reasonably adequate to render the subject property safe, as that term is defined in Wis. Stats. § 101.01;
- c. Failing to do every other thing reasonably necessary to protect the health, safety and welfare of frequenters at the subject property where the Plaintiff, TIMOTHY, sustained injuries; and
- d. Failing to inspect, maintain, repair, safeguard, and warn so as to render the public areas, including the restrooms, of THE PROPERTY safe, as those terms are defined in Wis. Stats. § 101.01.

18. The negligence/safe place violations by the Defendant, WALMART, its employees and agents, were a direct and proximate cause of, meaning a substantial factor in bringing about the Plaintiff's, TIMOTHY, past injuries, past pain and suffering, and past medical and hospital expenses; that said Plaintiff's injuries may be permanent in nature, thereby causing him to suffer pain and disability in the future, and incur medical

and hospital expenses in the future, in an unspecified amount pursuant to the Wisconsin Statutes and Wisconsin law.

WHEREFORE, the Plaintiff, TIMOTHY D. WILLIAMS, hereby demands judgment against the Defendants, WALMART CLAIMS SERVICES INC. d/b/a Sam's Club and ABC INSURANCE COMPANY, jointly and severally, as follows:

- a. For compensatory damages in a monetary amount to be awarded by the judge and/or jury;
- b. For a hearing on the subrogation compensation due to the Involuntary Plaintiffs, STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, BLUE CROSS BLUE SHIELD OF WISCONSIN, and COMPCARE HEALTH SERVICES INSURANCE CORPORATION, if any.
- c. For the statutory costs, disbursements, and attorney fees; and
- d. For whatever other relief the court may deem just and equitable.

PLAINTIFF HEREBY DEMANDS THAT THE ABOVE ENTITLED ACTION BE TRIED TO A JURY OF TWELVE (12) PERSONS.

Dated at Milwaukee, Wisconsin this 6th day of April, 2021

J. RICHARD LAW OFFICES, LLC
Attorneys for Plaintiff, Timothy D. Williams

//Electronically Signed by Jason S. Richard//
By: Jason S. Richard
SBN: 1032068

POST OFFICE ADDRESS:

jason@jrichardlaw.com
740 North Plankinton Avenue
Suite 800
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